

FORM 26. Docketing Statement

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July 2020

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

DOCKETING STATEMENT

Case Number: 22-2069, 22-2070, 22-2071, 22-2072

Short Case Caption: Masimo Corporation v. Apple Inc.

Filing Party/Entity: Apple Inc.

Instructions: Complete each section or check the box if a section is intentionally blank or not applicable. Attach additional pages as needed. Refer to the court's Mediation Guidelines for filing requirements. An amended docketing statement is required for each new appeal or cross-appeal consolidated after first filing.

Case Origin	Originating Number	Type of Case
see attachment	see attachment	see attachment

Relief sought on appeal: ☐ None/Not Applicable

Affirm the Final Written Decisions holding claims 1-29 of US Patent No. 10,299,708 unpatentable; claims 1-14 and 16-30 of US Patent No. 10,376,190 unpatentable; claims 1-6, 8-16, 18, and 19 of US Patent No. 10,258,266 unpatentable; and claims 1-6, 8-16, 18, and 19 of US Patent No. 10,376,191 unpatentable.

Relief awarded below (if damages, specify): ☒ None/Not Applicable

Briefly describe the judgment/order appealed from:

In its Final Written Decisions, the Board found claims 1-29 of US Patent No. 10,299,708 unpatentable; claims 1-14 and 16-30 of US Patent No. 10,376,190 unpatentable; claims 1-6, 8-16, 18, and 19 of US Patent No. 10,258,266 unpatentable; and claims 1-6, 8-16, 18, and 19 of US Patent No. 10,376,191 unpatentable.

Nature of judgment (select one):

Date of judgment: see attachment

☒ Final Judgment, 28 USC § 1295

☐ Rule 54(b)

☐ Interlocutory Order (specify type) _____

☒ Other (explain) see attached

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Name and docket number of any related cases pending before this court, and the name of the writing judge if an opinion was issued. ☒ None/Not Applicable

Issues to be raised on appeal: ☐ None/Not Applicable

Whether the Board correctly concluded that the challenged claims 1-29 of US Patent No. 10,299,708; claims 1-14 and 16-30 of US Patent No. 10,376,190; claims 1-6, 8-16, 18, and 19 of US Patent No. 10,258,266; and claims 1-6, 8-16, 18, and 19 of US Patent No. 10,376,191 were unpatentable.

Have there been discussions with other parties relating to settlement of this case?

☐ Yes ☒ No

If "yes," when were the last such discussions?

- ☐ Before the case was filed below
☐ During the pendency of the case below
☐ Following the judgment/order appealed from

If "yes," were the settlement discussions mediated? ☐ Yes ☐ No

If they were mediated, by whom?

Not Applicable

Do you believe that this case may be amenable to mediation? ☐ Yes ☒ No

Explain.

Settlement will not give appellant Masimo Corporation the relief it seeks on appeal, which is the overturning of the Board's decisions to cancel claims 1-29 of US Patent No. 10,299,708; claims 1-14 and 16-30 of US Patent No. 10,376,190; claims 1-6, 8-16, 18, and 19 of US Patent No. 10,258,266; and claims 1-6, 8-16, 18, and 19 of US Patent No. 10,376,191.

Provide any other information relevant to the inclusion of this case in the court's mediation program.

None

Date: 8/10/2022 Signature: /s/ Lauren A. Degnan
Name: Lauren A. Degnan

Attachment for Docketing Statement**Case Number:** 22-2069, 22-2070, 22-2071, 22-2072**Short Case Caption:** Masimo Corporation v. Apple Inc.**Filing Party/Entity:** Apple Inc.

Case Origin	Originating Number	Type of Case
USPTO	IPR2021-00193	Inter Partes Review
USPTO	IPR2021-00195	Inter Partes Review
USPTO	IPR2021-00208	Inter Partes Review
USPTO	IPR2021-00209	Inter Partes Review

Nature and date of judgment (continued):

Originating Number	Nature of Judgment	Date of Judgment
IPR2021-00193	Final Judgment, 28 USC § 1295	6/1/2022
IPR2021-00195	Final Judgment, 28 USC § 1295	5/25/2022
IPR2021-00208	Final Judgment, 28 USC § 1295	6/1/2022
IPR2021-00209	Final Judgment, 28 USC § 1295	5/25/2022